

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRETT T. CULVER

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA,  
et al.,

Defendants.

AFFIDAVIT

Case No. 1:cv-01-0904

(Judge Kane)

AFFIDAVIT

FILED  
HARRISBURG, PA

JUN 26 2003

MARY E. D'AMICO, CLERK  
Per [Signature]

The included PLAINTIFF'S RESPONSE MOTION (and BRIEF) IN OPPOSITION TO DEFENDANTS' REPLY BRIEF OF MOTION FOR SUMMARY JUDGMENT were placed in the SCI Mahanoy in house mail system Wednesday evening (6-18-03), but the envelopes were returned by the Institution Mail Office on 6-20-03 for reasons stating that the envelopes were overweight for one ounce postage rate (however one envelope containing one copy of BRIEF dated 6-18-03 evidently went out that day).

*2<sup>nd</sup> Notice to Court: The included Plaintiff's Response Motion & Brief In Opposition To Defendants' Reply Brief of Motion For Summary Judgment" was returned by Institution Mail Office on 6-23-03. now resubmitted 6-23-03.*

PROOF OF SERVICE

I, the undersigned, hereby aver that I have served the foregoing AFFIDAVIT (submitted with PLAINTIFF'S MOTION and BRIEF dated 6-18-03) on 6-20-03 to this Court and Defendants' counsel.

*[Signature]*

Dated June 20, 2003

*2<sup>nd</sup> Notice and re submitted  
Date: 6-23-03*

*[Signature]*

Brett T. Culver.

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BRETT T. CULVER

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA,  
et al.,

Defendants.

MOTION

Case No. 1:cv-01-0904

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MARY E. DANEEN, CLERK  
Per *[Signature]*

PLAINTIFF'S RESPONSE MOTION IN OPPOSITION TO  
DEFENDANTS' REPLY BRIEF OF MOTION FOR SUMMARY JUDGMENT

This is a civil rights action brought by this plaintiff pursuant to 42 U.S.C. § 1983 charging defendants' of violations they committed against this plaintiff and his Constitutional Rights. Defendants' have violated this plaintiff's First, Fourth, Eighth, and Fourteenth Amendments to the United States Constitution. Defendants' "have, and "continue to enter false allegations and testimonies to this Court in brazen efforts to obscure the facts and evidence in this action, to evade accountability and responsibility for crimes committed against this plaintiff.

The Defendants' in their; "Reply Brief In Support Of Their Motion For Summary Judgment," through counsel attempt to obscure the fact that this plaintiff's legal documents were seized and never returned. Defendants' and counsel garble the issue with misleading unsupported rhetoric concerning a newspaper being contraband, therefore alluding some sort of justification for the unlawful seizure of the legal documents, which defendants' avoid addressing directly.

Defendants' through counsel go on to argue that plaintiff has shown no genuine issue as to any material fact, when citations, documentations, and evidence to the facts show that this plaintiff "has" shown genuine issue, and that the defendants' "have violated plaintiff's Amendment Rights to the United States Constitution.

Aside from plaintiff establishing genuine fact that violations have been committed, the defendants have also revealed genuine issue by unsupported actions taken on fraudulent rational or reasoning's, and pursuant to untruthful testimony and false statements. Extenuating evidence being that defendants' have and continue to refuse to disclose documentations of events that is in their soul possession, and have failed to comply with procedures required from them to present the facts. This establishes genuine issue and fact that violations have been committed, and that these violations "are an essential element to this Civil Action, which "are specific facts showing genuine issue for trial.

Defendants' through counsel go on to contend that plaintiff has not demonstrated actual injury, when record and continuing documentation reports filed to the D.O.C. authorities proves that plaintiff has and continues to suffer injury pursuant to the violations committed by the defendants'. However, aside from instances of abuses related to untruthful manipulations to plaintiffs record to degrade status and paint a false picture of his person, continuing property seizures of his approved personal property, threats by staff, abusive language by staff, adverse bias treatment by staff, denied inmate privileges, retaliatory punishments, the forgoing aspects of abuses and their argument does not apply to the violation action of this plaintiff's unlawfully seized legal documents "which are protected by the United States Constitution" (and also by D.O.C. Directives). The latter fact alone, being proven documented fact which violates this plaintiff's Constitutional Rights demands justice to be enforced and established.

Defendants' go on to contest that plaintiff has not produced evidence to support citations of the violations committed, which the record will show contrary to this implication by defendants'.

The defendants' refer to; "numerous documents in support of their motion which include Culver's misconducts, grievances, and the responses." This plaintiff testifies and cites that these so called documentations/testimonies by defendants' are fraudulent fabrications of events, and fictitiously implied violations of non-existent policies. The Court will discover the facts by hearing on these issues, and by litigation to render justice in this case.

Defendants' by prowess and control of information or evidence "have and "continue to obscure issues and facts, falsify the record, enter fraudulent testimony to the Court, commit perjury, and hide (probably destroyed) the direct evidence pertaining to these incidents committed, manipulated, and obscured by there abilities through control. Defendants' "have and "continue to distort the issues of violation, and refuse to conduct themselves in good faith in these proceedings, in this ongoing effort of theirs to pervert the issues and justice in this case.

Plaintiff continues to suffer ongoing retaliation abuses by staff to date, and continues to file record reports of these abuses to the D.O.C. authorities to preserve the record of abuses until the entire record of abuses can be presented at trial proceedings in this action.

Wherefore this plaintiff prays this Court to render justice in this case through trial proceedings to establish the facts, the truth, and justice, to prevent a terrible miscarriage of justice.

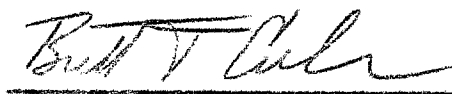
CERTIFICATE OF SERVICE

I do heraby certify that a true and correct copy of the forgoing "PLAINTIFF'S RESPONSE MOTION IN OPPOSITION TO DEFENDANTS' REPLY BRIEF OF MOTION FOR SUMMARY JUDGMENT" date 6-18-03 was sent, this date, by First Class United States Mail to:

U.S. District Court  
Clerk of Courts  
228 Walnut Street  
P.O. Box 983  
Harrisburg, PA. 17108

Defendants in care of  
Office of Attorney General  
Maryanne Lewis  
Strawberry Square  
Harrisburg, Pa. 17120

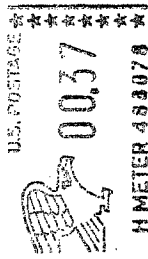
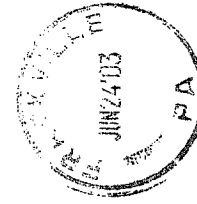
Date: June 18, 2003



Brett T. Culver

NAME Brett Culver  
NUMBER DD3483  
301 MOREA ROAD  
FRACKVILLE, PA 17932

INMATE MAIL  
PA DEPT. OF  
CORRECTIONS



U.S. District Court  
Clerk of Courts  
228 Walnut Street  
P.O. Box 983  
Harrisburg, PA 17108

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